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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MICHAEL HOLMES,

Plaintiff,

vs.

CLARK COUNTY, a political subdivision of  
the State of Nevada,

Defendant.

Case No: 2:23-cv-01988-JCM-DJA

**STIPULATED DISCOVERY PLAN  
AND SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW  
REQUESTED**

Pursuant to FRCP 26(f), Defendant Clark County and Plaintiff Michael Holmes, through their respective counsel of record, submit the following stipulated proposed Discovery Plan and Scheduling Order.

**PROPOSED SCHEDULE**

1. Estimate of Time Required for Discovery:

The parties request a discovery period of 270 days from March 11, 2024 which is the date that the first defendant answered or otherwise appeared pursuant to LR 26-1(b)(1). Therefore, the parties request that the discovery period will close on **December 6, 2024**.

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1       **The parties request a period in excess of 180 days because of the number of**  
2 **depositions which must be taken and because the parties had anticipated an earlier**  
3 **decision on Defendant's Motion to Dismiss which was filed March 11, 2024.**

4       2.     Amendment of Pleadings and Addition of Parties:

5             Unless otherwise ordered by the Court, the date for filing motions to amend the  
6 pleadings or to add parties shall not be later than ninety (90) days prior to the discovery cut-  
7 off date, which in this matter is not later than **September 9, 2024.**

8       3.     Disclosure of Expert Witnesses:

9             In accordance with Fed. R. Civ. P. 26(a)(2), disclosures identifying experts  
10 shall be made sixty (60) days prior to the discovery cut-off date, not later than **October 7,**  
11 **2024**, and disclosures respecting rebuttal experts shall be made thirty (30) days after the  
12 disclosure of experts, and not later than **November 7, 2024.**

13       4.     Dispositive Motions:

14             The parties shall have until **January 6, 2025**, to file dispositive motions. This  
15 is thirty (30) days after the close of Discovery.

16       5.     Pretrial Order:

17             The Proposed Pretrial Order shall be filed by **February 5, 2025**, which is no  
18 later than thirty (30) days after the date set for the filing of dispositive motions. In the event  
19 dispositive motions are filed, the date for filing the Joint Pretrial order shall be suspended  
20 until thirty (30) days after decision on the dispositive motions or by further order of the  
21 Court.

22       6.     FRCP 26(a)(3) Disclosures:

23             The disclosures required by FRCP 26(a)(3) and any objection thereto shall be  
24 included in the pretrial order.

25       7.     Alternative Dispute Resolution:

26             The parties certify that they have met and conferred about the possibility of  
27 using alternative dispute resolution processes in this case, including mediation, and  
28 arbitration.

8. Alternative Forms of Case Disposition

The parties certified that they have considered consent to trial by magistrate judge under 28 U.S.C. § 636(c) and FRCP 73 and the use of the Short Trial Program.

9. Electronic Evidence

The parties certify they have discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. It is anticipated that this case will involve electronic evidence. Discussions between the parties will be ongoing as the trial date approaches and any electronic evidence will be presented in a format compatible with the court's electronic jury evidence display system.

10. Extensions or Modifications of the Discovery Plan and Scheduling Order:

Applications to extend any date set by the discovery plan/scheduling order ~~shall be received by the Court on or before November 18, 2024, which is twenty (20) days before the date fixed for completion of discovery, or within twenty (20) days before the expiration of any extension thereof that may have been approved by the Court.~~ **no later than 21 days before the expiration of the subject deadline.** The motion or stipulation shall include:

- a. A statement specifying the discovery completed by the parties as of the date of the motion or stipulation;
- b. A specific description of the discovery which remains to be completed;
- c. The reasons why remaining discovery was not completed within the time limits of the existing discovery deadline; and
- d. A proposed schedule for the completion of all remaining discovery.

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1 Discovery does not need to be conducted in phases or limited or focused on a  
2 particular issue.

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4 LAW OFFICE OF DAN M WINDER PC

DISTRICT ATTORNEY

5 /s/ Arnold Weinstock

6 Arnold Weinstock Esq.

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13 **ORDER**

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15 IT IS SO ORDERED subject to the modification of paragraph 10 above.

16 DATED: 9/4/2024

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19 DANIEL J. ALBRECHTS

20 UNITED STATES MAGISTRATE JUDGE  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Clark County District Attorney and that on this 3<sup>rd</sup> day of September, 2024, I served a true and correct copy of the foregoing **STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER** through CM/ECF Electronic Filing system of the United States District Court for the District of Nevada (or, if necessary, by U.S. Mail, first class, postage pre-paid), upon the following:

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/s/ Christine Wirt  
An Employee of the Clark County District  
Attorney's Office – Civil Division